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5 Attorneys for Plaintiffs

6 **UNITED STATES DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 RITA COLON, an individual

9 Plaintiff,

10 vs.

11 COMMUNITIES IN SCHOOLS OF
12 NEVADA, INC., a Domestic Corporation;
DOES I through X inclusive, and ROES
13 CORPORATIONS XI through XX,
inclusive,

14 Defendants.

Case No: 2:15-cv-00626-JCM-CWH

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
PURSUANT TO LOCAL RULE 26-4
(FIRST REQUEST)**

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16 COMES NOW Plaintiff RITA COLON, by and through his counsel of record, William W.
17 McGaha, Esq. and Joshua M. Santeramo, Esq. of the Law Offices of SCHUETZE & McGAHA,
18 P.C., and Defendant, COMMUNITIES IN SCHOOLS OF NEVADA, INC. ("CISN"), by and
19 through its counsel of record, Swen P. Prior, Esq. of SNELL & WILMER, hereby submit this
20 stipulation and order to extend discovery deadlines pursuant to Local Rule 26-4.

21 Plaintiff Colon and Defendant CISN have completed the Early Neutral Evaluation
22 Conference and begun discovery, including exchanging FRCP 26 disclosures of documents
23 and supplements, and propounding written discovery. The parties are also in the process of
24 deposition scheduling and have already completed the deposition of the Plaintiff. The primary
25 depositions Plaintiff intends on taking within the next two months are of Defendant CISN's
26 designated representative pursuant to FRCP 30(b)(6), Cary Ferguson of Employers Insurance,
27 and Defendant's employees, Valerie Kimball and Brandon Ervin. Other depositions may be
28 necessary in the future.

1 These depositions are critical to the liability issues involved, and the parties agree that
2 they should take place prior to the designation of experts, of which the deadline is currently
3 August 6, 2015. The parties request an extension of sixty (60) days for all deadlines to
4 accommodate for deposition scheduling and the retention of experts, in addition to other
5 necessary discovery.

6 **I. FACTUAL AND PROCEDURAL BACKGROUND:**

7 This lawsuit arises from the termination of Plaintiff Colon by Defendant CISN in October
8 2014. Plaintiff alleges that she was wrongfully terminated in retaliation for pursuing a
9 workman's compensation claim, and due to a failure to accommodate her alleged disability
10 under the Americans with Disabilities Act. This is in addition to other federal and state claims
11 plead in the Complaint. Defendant CISN denies the allegations.

12 Plaintiff Colon commenced this lawsuit in the Eighth Judicial District Nevada State Court
13 on February 3, 2015. Defendant CISN removed the action from state court to the subject
14 jurisdiction on April 6, 2015. (Doc. #1). Defendant CISN filed its responsive pleading on April
15 7, 2015. (Doc. #4). On May 8, 2015, the parties submitted their proposed discovery plan.
16 (Doc. #9). The scheduling order was then approved and signed by the Magistrate Judge on
17 May 11, 2015. (Doc. #11). The parties then attended the Early Neutral Evaluation
18 Conference on June 3, 2015, which did not result in a settlement. (Doc. #16).

19 Since that time, Plaintiff has propounded written discovery, and Defendant is in the
20 process of providing answers. The parties have also met and conferred regarding the
21 deposition scheduling as indicated above, and hope to complete these preliminary depositions
22 by mid-August 2015. These depositions will be necessary to evaluate liability and any
23 potential for settlement prior to the retention of experts. Therefore, the parties seek a sixty
24 (60) day extension of all current deadlines.

25 **A. Statement of Discovery Completed**

- 26 1. The parties have participated in the Initial Case Conference and have
27 exchanged initial and supplemental disclosures;

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2. Plaintiff Colon has propounded interrogatories and requests for production of documents;
3. Plaintiff Colon has sent an FRCP 30(b)(6) notice of deposition to Defendant CISN and inquired into the availability of Cary Ferguson, Brandon Ervin, and Valerie Kimball; and
4. Defendant has taken the deposition of Plaintiff.

B. Statement of Discovery Remaining

1. Further document supplements to the initial disclosures;
2. Answers to written discovery;
3. Depositions of the parties, fact witnesses, and corporate representatives;
4. Initial and rebuttal expert disclosures;
5. Depositions of expert witnesses; and
6. Additional discovery as needed.

C. Reasons Why Discovery Was Not Completed Within Time Limitations

As explained above, both parties agree that the depositions of Cary Ferguson, Brandon Ervin, Valerie Kimball, and an FRCP 30(b)(6) representative of Defendant are necessary to evaluate liability and continue potential settlement discussions. Moreover, these depositions will be necessary for determining the necessity of experts. Given the quick turn around from the Early Neutral Evaluation Conference and the summer schedule, the parties agree that an extension of sixty (60) days is necessary.

D. A Proposed Schedule for Completing All Discovery

Amendments to Pleadings:	From 7/7/2015 to <u>9/8/2015</u>
Initial Expert Disclosures:	From 8/6/2015 to <u>10/5/2015</u>
Interim Status Report:	From 8/6/2015 to <u>10/5/2015</u>
Rebuttal Expert Disclosures:	From 9/8/2015 to <u>11/9/2015</u>
Discovery Cut-Off:	From 10/5/2015 to <u>12/4/2015</u>
Dispositive Motions:	From 11/4/2015 to <u>1/4/2016</u>
Joint Pretrial:	From 12/4/2015 to <u>2/2/2016</u>

1 The joint pretrial order shall be filed no later than February 2, 2016, which is not more
2 than thirty (30) days after the date set for filing dispositive motions in this case. In the event
3 that dispositive motions are filed, the date for filing of the joint pretrial order shall be
4 suspended until thirty (30) days after a decision on the dispositive motions or further order of
5 the Court.

6
7 DATED this 23 day of June, 2015.

DATED this 23 day of June, 2015.

8 **SCHUETZE & McGAHA, P.C.**

SNELL & WILMER

9 By /s/ Joshua M. Santeramo

By /s/ Swen P. Prior

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Attorneys for Plaintiff

Attorneys for Defendant

13 **ORDER**

14 IT IS SO ORDERED.

15 DATED: June 24, 2015

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18 UNITED STATES MAGISTRATE JUDGE
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